IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT CHANDIGARH

...

Criminal Revision No.2232 of 2002 (O&M)

Decided on : September 16, 2010

Vijay Kumar Uppal

... Petitioner

VERSUS

Varinderpal Singh and others

... Respondents

CORAM :
HON'BLE MR.JUSTICE A.N.JINDAL

Present: Mr.APS Mann, Advocate for the petitioner.

None for respondent – accused.

Mr.Kirat Singh Sidhu, Deputy Advocate General, Punjab

A.N.JINDAL, J.-

Though, the State has not filed any appeal, yet complainant Vijay Kumar Uppal has preferred the revision petition against the order dated 19.11.2001 passed by Additional Sessions Judge, Hoshiarpur acquitting accused – respondents No.1 to 3 of the offence under Section 306 read with Section 34 of the Indian Penal Code 1860.

The deceased Arvind Kumar was allegedly having love affairs with Miss Nidhi – accused, for which he was allegedly given merciless beatings by the other accused, therefore, he committed suicide.

The case is based on dying declaration, which does not find any corroboration from any side. In the dying declaration, the deceased

stated that Gora @ Varinderpal Singh and Ricky @ Khushwant Rai (both accused) had insulted him and given beatings mercilessly. The evidence further reveals that after he was given beatings, he came to Chandigarh and swallowed insecticides, which he had purchased from Jalandhar. A lot of time had elapsed between the alleged beatings and the consuming of the insecticides. The statements of the witnesses and the dying declaration, even if taken at their face value, do not attract the provisions of Section 306 IPC.

Hence, no ground to interfere.

Petition dismissed.

September 16, 2010 (A.N.JINDAL)
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